

House Study Bill 611 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act permitting schools to stock, administer, and provide
2 epinephrine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **280.16A Epinephrine auto-injector**
2 **supply.**

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 *a. "Administer"* means to directly apply an epinephrine
6 auto-injector to the body of an individual.

7 *b. "Designated school personnel"* means a school nurse or
8 other employee, agent, or volunteer of a school designated
9 by the board of directors of the school district or the
10 authorities in charge of the accredited nonpublic school who
11 has completed the training required under this section to
12 provide or administer an epinephrine auto-injector.

13 *c. "Epinephrine auto-injector"* means a single-use device
14 used for the automatic injection of a premeasured dose of
15 epinephrine into the human body.

16 *d. "Physician"* means the same as provided in section 280.16.

17 *e. "Provide"* means to supply one or more epinephrine
18 auto-injectors to an individual.

19 *f. "School"* means a public or accredited nonpublic school.

20 *g. "Self-administration"* means a student or other
21 individual's discretionary use of an epinephrine auto-injector,
22 whether provided by the student or by designated school
23 personnel pursuant to this section.

24 2. Notwithstanding any contrary provision of law relating
25 to the prescribing, dispensing, providing, and administering
26 of prescription drugs:

27 *a.* A physician may prescribe epinephrine auto-injectors in
28 the name of a school for use in accordance with this section.

29 *b.* A pharmacist or physician may dispense epinephrine
30 auto-injectors pursuant to a prescription issued in the name
31 of a school.

32 *c.* A school may acquire and maintain a stock supply of
33 epinephrine auto-injectors pursuant to a prescription for use
34 in accordance with this section.

35 *d.* A school with such a prescription may enter into

1 arrangements with manufacturers of epinephrine auto-injectors
2 or third-party suppliers of epinephrine auto-injectors to
3 acquire epinephrine auto-injectors at fair-market, free, or
4 reduced prices.

5 3. A school that acquires epinephrine auto-injectors
6 pursuant to this section shall store the epinephrine
7 auto-injectors in a location readily accessible in an emergency
8 and in accordance with the epinephrine auto-injector's
9 instructions for use and any additional requirements that may
10 be established by the department of education or board of
11 medicine. Designated school personnel shall be responsible for
12 the storage, maintenance, and general oversight of epinephrine
13 auto-injectors acquired by the school.

14 4. Designated school personnel may, upon authorization
15 by the board of directors of the school district or the
16 authorities in charge of the accredited nonpublic school, do
17 all of the following:

18 *a.* Provide an epinephrine auto-injector to a student for
19 self-administration in accordance with a prescription specific
20 to the student that the school has on file.

21 *b.* Administer an epinephrine auto-injector to a student in
22 accordance with a prescription specific to the student that the
23 school has on file.

24 *c.* Administer an epinephrine auto-injector to a student or
25 other individual, on school premises, at a school-sponsored
26 event, or at any other time the student or individual is
27 subject to the school's jurisdiction or supervision, who
28 the designated school personnel believes in good faith is
29 experiencing anaphylaxis in accordance with a standing protocol
30 from a physician, regardless of whether the student or other
31 individual has a prescription for an epinephrine auto-injector
32 or has previously been diagnosed with an allergy.

33 5. Designated school personnel, other than a school
34 nurse, shall complete an anaphylaxis training program prior
35 to providing or administering an epinephrine auto-injector

1 pursuant to this section and at least every two years following
2 completion of the initial anaphylaxis training program.
3 Such training shall be conducted by a nationally recognized
4 organization experienced in providing training in emergency
5 health treatment or other entity or individual approved by
6 the board of medicine. The entity that conducts the training
7 shall issue a certificate, on a form developed or approved by
8 the board of medicine, to each individual who successfully
9 completes the anaphylaxis training program. Training may be
10 conducted online or in person. Training shall cover, at a
11 minimum, all of the following:

12 *a.* Techniques on how to recognize symptoms of severe
13 allergic reactions, including anaphylaxis.

14 *b.* Standards and procedures for the storage and
15 administration of an epinephrine auto-injector.

16 *c.* Emergency follow-up procedures.

17 6. A school that possesses and makes available a stock
18 supply of epinephrine auto-injectors pursuant to this
19 section shall submit to the department of education on a form
20 developed by the department a report of each incident that
21 involves a severe allergic reaction or the administration of
22 an epinephrine auto-injector. The department shall annually
23 publish a report that summarizes and analyzes all such reports
24 submitted to it on the department's internet site.

25 7. A school that possesses and makes available epinephrine
26 auto-injectors; the board of directors of the school district
27 or the authorities in charge of the accredited nonpublic
28 school; the school's employees, agents, and volunteers; a
29 physician who prescribes epinephrine auto-injectors to the
30 school; a pharmacist or physician who dispenses epinephrine
31 auto-injectors to the school pursuant to a prescription issued
32 in the name of the school; a manufacturer of epinephrine
33 auto-injectors or third-party supplier of epinephrine
34 auto-injectors from whom a school obtains epinephrine
35 auto-injectors; and an individual or entity that conducts the

1 training required by this section shall not be liable for
2 damages for any injuries that result from the administration,
3 self-administration, provision, or failure to administer,
4 self-administer, or provide an epinephrine auto-injector that
5 may constitute negligence, regardless of whether authorization
6 was provided by a student's parent or guardian or by a
7 student's health care provider. This immunity does not apply
8 to acts or omissions constituting gross, willful, or wanton
9 negligence. The immunity from liability provided under this
10 section is in addition to and not in lieu of that provided
11 under sections 135.147 and 613.17. The administration or
12 provision of an epinephrine auto-injector in accordance with
13 this section shall not be considered the practice of medicine.

14 8. No later than January 1, 2015, the department of
15 education, in consultation with the board of medicine and
16 education and health care stakeholders, shall develop and make
17 available to all schools guidelines for the management of
18 students with life-threatening allergies. The guidelines shall
19 include but not be limited to all of the following:

20 a. Education and training for school personnel on the
21 management of students with life-threatening allergies,
22 including training relating to the administration of an
23 epinephrine auto-injector.

24 b. Procedures for responding to life-threatening allergic
25 reactions.

26 c. A process for the development of individualized health
27 care and allergy action plans for every student with a known
28 life-threatening allergy.

29 d. Protocols to prevent exposure to life-threatening
30 allergens.

31 9. The department of education, the board of medicine, and
32 the board of pharmacy shall adopt rules to administer this
33 section, including but not limited to standards and procedures
34 for the prescription, dispensation, storage, provision,
35 administration, and replacement of epinephrine auto-injectors,

1 and training and authorization to be required for designated
2 school personnel.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill permits a physician to prescribe epinephrine
7 auto-injectors in the name of a school. The bill permits a
8 pharmacist or physician to dispense auto-injectors pursuant
9 to a prescription issued in the name of a school. The bill
10 permits a school to acquire and maintain a stock supply
11 of auto-injectors pursuant to a prescription for use in
12 accordance with the bill. The bill permits a school with such
13 a prescription to enter into arrangements with manufacturers of
14 auto-injectors or third-party suppliers of auto-injectors to
15 acquire auto-injectors at fair-market, free, or reduced prices.
16 These permissions apply notwithstanding any contrary provision
17 of law relating to the prescribing, dispensing, providing, and
18 administering of prescription drugs.

19 The bill defines "school" as a public or accredited
20 nonpublic school. The bill defines "epinephrine auto-injector"
21 as a single-use device used for the automatic injection of a
22 premeasured dose of epinephrine into the human body.

23 The bill requires a school that acquires epinephrine
24 auto-injectors to store the auto-injectors in a location
25 readily accessible in an emergency and in accordance with
26 the auto-injector's instructions for use and any additional
27 requirements established by the department of education or
28 board of medicine. Designated school personnel shall be
29 responsible for the storage, maintenance, and general oversight
30 of auto-injectors acquired by the school. The bill defines
31 "designated school personnel" as a designated school nurse or
32 designated other employee, agent, or volunteer of a school who
33 has completed the training required by the bill to provide or
34 administer an auto-injector. The bill defines "provide" as
35 supplying one or more auto-injectors to an individual. The

1 bill defines "administer" as directly applying an auto-injector
2 to the body of an individual.

3 The bill permits designated school personnel, upon
4 authorization, to provide an epinephrine auto-injector
5 to a student for self-administration in accordance with
6 a prescription specific to the student; administer an
7 auto-injector to a student in accordance with a prescription
8 specific to the student; or administer an auto-injector
9 to a student or other individual, on school premises, at a
10 school-sponsored event, or at any other time the student
11 or individual is subject to the school's jurisdiction or
12 supervision, who the designated school personnel believes in
13 good faith is experiencing anaphylaxis in accordance with a
14 standing protocol from a physician, regardless of whether
15 the student or other individual has a prescription for an
16 epinephrine auto-injector or has previously been diagnosed with
17 an allergy.

18 The bill requires designated school personnel, other than
19 a school nurse, to complete an anaphylaxis training program.
20 Training must be conducted as approved by the board of
21 medicine. Training must cover the recognition of symptoms of
22 severe allergic reactions, including anaphylaxis, the storage
23 and administration of epinephrine auto-injectors, and emergency
24 follow-up procedures.

25 The bill requires a school to submit a report of incidents
26 involving a severe allergic reaction or the administration of
27 an epinephrine auto-injector to the department of education,
28 and the department to annually publish a summary report on the
29 department's internet site.

30 A school, its directors, employees, agents, and volunteers,
31 and associated physicians, pharmacists, manufacturers,
32 third-party suppliers, and training providers are not
33 liable for damages for any injuries that result from the
34 administration, self-administration, provision, or failure
35 to administer, self-administer, or provide an auto-injector

1 that may constitute negligence, regardless of whether
2 authorization was provided by a student's parent or guardian
3 or by a student's health care provider. This immunity does
4 not apply to acts or omissions constituting gross, willful,
5 or wanton negligence. The administration or provision of
6 an auto-injector in accordance with the bill shall not be
7 considered the practice of medicine.

8 The bill requires the department of education, in
9 consultation with others, to develop and make available to
10 all schools guidelines for the management of students with
11 life-threatening allergies no later than January 1, 2015.

12 The bill requires the adoption of rules.